

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

Baby Doe, et al.,

Plaintiffs,

v.

JOSHUA MAST et al.,

Defendants,

and

UNITED STATES SECRETARY OF STATE

ANTONY BLINKEN et al.,

Nominal Defendants.

Civil Action No. 3:22-cv-49

**UNOPPOSED MOTION TO EXTEND NOMINAL FEDERAL DEFENDANTS’
DEADLINE TO RESPOND TO AMENDED COMPLAINT**

Nominal defendants United States Secretary of State Antony Blinken and United States Secretary of Defense General Lloyd Austin (“Federal Defendants”) hereby request a nine-day extension of time within which to file a response to Plaintiffs’ Amended Complaint [ECF 68]. Undersigned counsel for Federal Defendants has conferred with counsel for Plaintiffs, who indicates that Plaintiffs do not oppose this request. Good cause exists for the requested extension, as set forth below:

Plaintiffs filed a Complaint in this action on September 2, 2022, naming five individuals as defendants (“Individual Defendants”) and naming Federal Defendants as nominal defendants. *See* Compl. [ECF 1]. Plaintiffs sought monetary and declaratory relief from Individual Defendants but indicated that they sought no relief from Federal Defendants in this action. *Id.* ¶ 17. Under Fed. R. Civ. P. 12(a)(2), Federal Defendants’

response to the Complaint was due November 7, 2022. Before that date, Individual Defendants each moved to dismiss the claims against them. Plaintiffs then filed an Amended Complaint on October 28, 2022. Am. Compl. [ECF 68.] In the Amended Complaint, Plaintiffs continue to seek no relief from Federal Defendants in this case. *Id.* ¶ 17. Pursuant to Fed. R. Civ. P. 15(a)(3), Federal Defendants' deadline to respond to the Amended Complaint is November 14, 2022.

Due to competing obligations of undersigned counsel in other cases, Federal Defendants seek additional time to prepare a response in this case. Among other obligations, undersigned counsel attended out-of-town hearings on September 9, October 4, 20, and 28, 2022; had a preliminary injunction hearing on September 26, 2022; had filings due in two different sealed cases on November 4, 2022, and November 8, 2022; and must attend another out-of-town hearing in one of those cases on November 11, 2022. Federal Defendants therefore seek a nine-day extension, up to and including November 23, 2022, to file their response. Counsel for Plaintiffs does not oppose this request.

Accordingly, Federal Defendants respectfully request that the deadline for Defendants to file a response to Plaintiffs' Amended Complaint be extended up to and including November 23, 2022.

November 9, 2022

Respectfully submitted,

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/s/ Kathryn L. Wyer

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